

the consumer's computer to be directed through the provider of services, located at a domain on the network, to record the consumer's network activity.

Notably, Chelliah is not relied upon in the office action to describe or suggest this feature. Instead, the Office Action relies upon Pistriotto and APA to describe this feature. However, the relied-upon sections of Pistriotto and APA do not describe or suggest modifying a browser application in any manner.

Instead, Pistriotto describes a process where a client computer uses information contained in a message from a proxy server to direct request messages to a specific caching proxy server.

“The destination computer sends a message to the caching proxy server specifying the categories of request that the client computer will direct to the caching proxy server. The proxy server forwards this message to the client computer. The client computer uses the information contained in this message to direct requests messages to a specific caching proxy server based on a category ID.” See Pistriotto at Abstract.

Notably, the Office Action relies upon the above-quoted language to suggest that Pistriotto is “effectively disclosing that the client's browser is modified to be directed to another, separate destination different from the original.” See Final Office Action mailed March 31, 2005, at p. 3 and p. 8. However, using information contained in a message from a proxy server to direct requests messages to a specific caching proxy server is not “effectively disclosing” that the client's browser is modified. It is clear from the above-quoted language that Pistriotto does not describe or suggest modifying a browser application on the registered consumer's computer to enable communications sent to and from the consumer's computer to be directed through the provider of services to record the consumer's network activity. There is no mention of a browser application in this relied-upon section and there is no mention of making any modifications to a browser application.

Applicants do not understand how Pistriotto's system of using information contained in a message from a proxy server to direct requests messages to a specific caching proxy server can be equated to modifying a browser application on the registered consumer's computer to enable communications sent to and from the consumer's computer to be directed through the provider of

services to record the consumer's network activity, as recited in claim 18. The relied-upon section of Pistriotto simply does not describe or suggest this limitation, as recited in claim 18.

APA also does not describe or suggest modifying a browser application in any manner. The Office Action relies upon a description of proxy servers beginning at page 11 as "clearly disclosing the claimed functionality of the instant invention." See Final Office Action mailed March 31, 2005, at p. 8. However, the section relied upon in the Office Action on page 11 of the application is part of the "Detailed Description" section that begins on page 7 of the application and is not APA. Therefore, it is improper to rely upon this description as APA.

Furthermore, and only for the sake of argument, a description of a proxy server that is placed between a client and the Internet does not describe or suggest modifying a browser application on the registered consumer's computer to enable communications sent to and from the consumer's computer to be directed through the provider of services to record the consumer's network activity, as recited in claim 18.

Thus, the Office Action fails to point to any description in any of the relied-upon references that describes modifying a browser application on the registered consumer's computer to enable communications sent to and from the consumer's computer to be directed through the provider of services to record the consumer's network activity.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claim 18, and its dependent claims 19-30.

### **Claims 31 and 32**

Independent claim 31 recites a method of recording at least part of data transmitted during a secure session of network communication that includes, among other features, negotiating by a server of the provider of services a separate secure session with the computer of the consumer, thus initiating a secure session with the computer of the consumer. The server of provider of services also negotiates another secure session with the destination server to which the data request is being communicated. The provider of services communicates the data requests to the destination server and receives the requested data over the secure session

negotiated with the destination server. At least part of the data from the data server is recorded at the provider of services. The received data is readdressed for delivery to the consumer's computer using the secure session between the server of the provider of services and the computer of the consumer.

Thus, the server of the provider of services securely transfers data to and from the consumer's computer to a destination server using two separately negotiated secure sessions, namely one session between the consumer's computer and the server of the provider of services and another session between the server of the provider of services and the destination server. The provider of services also records at least a part of the secure data that fulfills the data requests.

In response to the Applicants' arguments presented in the Response filed February 14, 2005, the Office Action states:

“However, it is obvious that communication between three separate entities requires two communication channels. Since secure communications is already disclosed for one channel, it would be more than obvious to repeat this endeavor for any subsequent channels required to complete the transactions.” See Final Office Action mailed March 31, 2005, at p. 3.

Applicants respectfully disagree. The burden is on the Examiner to establish a *prima facie* case of obviousness by showing, among other things, that the prior art references teach or suggest all the claim limitations. It is clear from this response to Applicants' argument that the Examiner has not met this burden. The Office Action simply does not show that the prior art references describe or suggest all of the features that are recited in claim 31. Further, the Office Action illustrates that the Examiner is not viewing the claimed method as a whole, but instead is picking out a single limitation and drawing a conclusion that it is “more than obvious to repeat this endeavor for any subsequent channels.”

Moreover, the only specific support provided in the office action for the rejection of claim 31 is the fact that the Applicants disclose using a browser, such as Netscape Navigator or Microsoft Internet Explorer. See Final Office Action mailed March 31, 2005, at p. 12. The fact that Applicants have disclosed using one of these browser applications as an example of a

browser type and the fact that they may be capable of secure online browsing, does not describe or suggest that a provider of services, which is the entity that is recording the consumer network activity, establishes two separate secure sessions, namely one with the registered consumer's computer and one with the destination server. The mere disclosure of a browser in no way renders claim 31 obvious to one skilled in the art.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 31 and its dependent claim 32.

### **Claims 33-36**

Independent claim 33 recites a method of collecting consumer data transmitted during secure sessions of network communication that includes, among other features, creating a panel of consumers and measuring network activities on the network between computers operated by members of the panel and computers of multiple third party providers of services and information on the network. The measuring of network activities occurs during secure sessions of communication between computers operated by members of the panel and computers operated by providers of services and information. The measuring of network activities occurs at a point on the network between the computers of the members of the panel and third party providers of network services and information. Furthermore, the point on the network where the measuring network activities occurs is other than the computers of the panel members and computers of the third party providers.

Applicants respectfully request reconsideration and withdrawal of the rejection because Chelliah, Pistriotto, and APA, either alone or in combination, fail to describe or suggest one or more of these features. Specifically, Chelliah does not create a panel of consumers and does not measure the secure session network activities of the panel at a point on the network between computers of the panel members and a third party provider of services. Rather, Chelliah describes an electronic mall that a user may enter to purchase items from different electronic storefronts. Chelliah does not describe measuring network activities that occurs during secure

sessions at a point on the network between the members of the panel and third party providers of network services.

Pistriotto and APA fail to remedy these shortcomings of Chelliah. Instead, Pistriotto describes a caching proxy server that is used to reduce network traffic and does not describe or suggest measuring network activities during secure sessions of communications between computers operated by members of the panel and computers operated by providers of services and information.

Similarly, APA also does not describe or suggest these features. APA instead describes other previously proposed Internet monitoring activities and does not describe measuring network activities of secure sessions at a point on the network between computers of the members of the panel and a third party provider of network services and information.

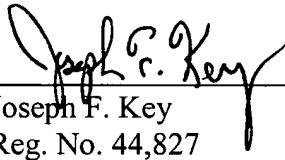
For at least these reasons, Applicants respectfully request reconsideration and withdrawal of rejection of independent claim 33 and its dependent claims 34-36.

Applicants submit that all claims are in condition for allowance.

No fees are believed to be due. However, during the prosecution of this application, please apply any deficiencies or credits to deposit account 06-1050.

Respectfully submitted,

Date: 5/31/2005

  
\_\_\_\_\_  
Joseph F. Key  
Reg. No. 44,827

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331